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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,541	11/17/2005	Daniil Utin	13984-005US1	6860
26161	7590	02/05/2009	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				ZIA, SYED
ART UNIT		PAPER NUMBER		
2431				
			NOTIFICATION DATE	DELIVERY MODE
			02/05/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/532,541	UTIN, DANIIL	
	<b>Examiner</b>	<b>Art Unit</b>	
	SYED ZIA	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 November 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to application filed on November 17, 2005. Original application contained. Claims 1-10. Claims are 1-10 are pending.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, and 7 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. *Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.*

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Challener et al. (U. S. Patent 6,718,468).

1. Regarding Claim 1, Challener teach and describe a secure transaction process, comprising generating a key from a user-supplied unencrypted password, encrypting the user's password with the key, creating a user record, storing the encrypted password in the user record (col.4 line 7 to col.5 line 24)..
2. Regarding Claim 7 Challener teach and describe a secure transaction process, comprising generating an encryption key from user-supplied identification data, encrypting the user's identification data with the key, creating a user record, storing the encrypted identification data in the user record (col.4 line 7 to col.5 line 24).
3. Claims 2-6, and 8-10 are rejected applied as above rejecting Claims 1 and 7. Furthermore, Challener teach and describe a system and method of security and user authentication, wherein:

As per Claim 2, further comprising upon user login, generating a key from a would-be user's password using the same algorithm used to generate the key from the originally supplied unencrypted password, retrieving the corresponding user record, decrypting the encrypted password in the user record using the key, comparing the decrypted password with the would-be user-supplied password to see if they match (col.4 line 7 to line 63).

As per Claim 3, further comprising if the decrypted password and user-supplied password match, creating a temporary session record and storing the key in the session record, otherwise aborting the user login (col.4 line 43 to line 63).

As per Claim 4, further comprising encrypting other sensitive user data using the key and storing the encrypted data in the user record, during a session wherein a session record has been created, using the key stored in the session record to decrypt other encrypted information stored in the user record for use in carrying out some desired action (col. 3 line 55 to col.4 line 7, and col.4 line 66 to col.5 line 24)..

As per Claim 5, further comprising generating a public/private key pair, storing the public key on an application server and the mating private key only another server, encrypting the original user-supplied unencrypted password with the public key and storing the public-key encrypted password on the application server, fetching the private key from the other server and using it to decrypt selected information on the one server (col.4 line 7 to col.5 line 24)..

As per Claim 6, further wherein the other server is a secure off-site server (col.4 line 7 to line 30).

As per Claim 8, further comprising upon user login, generating a key from a would-be user's identification data supplied at login using the same algorithm used to generate the key from the originally supplied unencrypted identification data, retrieving the corresponding user record, decrypting the encrypted identification data in the user record using the key, comparing the decrypted identification data with the would-be user-supplied identification data to see if they match (col.4 line 7 to line 63).

As per Claim 9, further comprising if the decrypted identification data and user-supplied identification data match, creating a temporary session record and storing the key in the session record, otherwise aborting the user login (col.4 line 42 to line 63).

As per Claim 10, further comprising encrypting other sensitive user data using the key and storing the encrypted data in the user record, during a session wherein a session record has been created, using the key stored in the session record to decrypt other encrypted information stored in the user record for use in carrying out some desired action (col. 3 line 55 to col.4 line 7, and col.4 line 66 to col.5 line 24).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ  
February 1, 2009  
/Syed Zia/  
Primary Examiner, Art Unit 2431